

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**Children of the Court, a non-profit  
corporation, and, Judiciocracy LLC**

*Plaintiffs,*

v.

**Attorney Registration and Disciplinary  
Commission, Lea S. Gutierrez, and  
Tammy Evans, in their official capacities**

*Defendants.*

Case No: 1:25-cv-03387-AMP-GAF

Judge April M. Perry

**PLAINTIFFS' MOTION TO SUPPLEMENT THE RECORD WITH RECENT  
CONTROLLING AND PERSUASIVE AUTHORITY**

TO THE HONORABLE COURT:

COMES NOW Plaintiffs Children of the Court and Judiciocracy LLC, by undersigned counsel and most respectfully states, alleges, and prays as follows:

**I. INTRODUCTION**

1. Plaintiffs filed a Response (ECF #40) to Defendants' Motion to Dismiss (ECF # 28) on June 26, 2025.

2. Defendants filed a Reply on July 18, 2025. ECF # 45.

3. Defendants relied on extraneous matters in their motion. Plaintiffs' Response was at the page limit when addressing Defendants' arguments related to Rule 12(b)(6).

4. Rather than request a brief-length extension, Plaintiffs requested the Court convert Defendants' Motion to a motion for summary judgment under Rule 12(d) on July 15, 2025 (before Defendant's Reply Brief). ECF # 44.

5. The Court denied the request and stated:

“[The Court] assures Plaintiff that the factual allegations in the complaint and reasonable inferences based upon those facts will be viewed in Plaintiff's favor for the purposes of deciding the 12(b)(6) motion.”

ECF #50 (July 29, 2025 Minute Order).

6. Subsequent to the Court's minute order several cases have touched on *Younger* Abstention and First Amendment limitations to speech in the face of disciplinary bodies' rules and actions.

7. The two most recent cases are:

- a. *Richwine v. Matuszak*, No. 24-1081, 2025 U.S. App. LEXIS 22222, 2025 WL 2476656 (7th Cir. Aug. 28, 2025) – Exhibit A.
- b. *Upsolve, Inc. v. James*, No. 22-1345, 2025 U.S. App. LEXIS 23187, 2025 WL 2598725 (2d Cir. Sep. 9, 2025) – Exhibit B.

8. The undersigned herein declares the Lexis copies of the decisions are attached as exhibits hereto.

9. This motion requests the Court take notice of the rulings and the logic therein as applied to this case, or in the alternative, offer the parties further briefing.

## **II. A Brief Summary Of The Cases' Applicability To the Instant Matter**

*Richwine* is a Seventh Circuit case involving free speech, *Younger* abstention, and prospective harm as alleged in this matter. The Court's reasoning related to prohibitions of free speech and levels of scrutiny in the state regulatory proceedings provide guidance. *Richwine* addresses content neutral speech restrictions (deserving intermediate scrutiny) unlike speech about 'judges' that is at issue here, where the law requires *strict scrutiny* for suppressive action. (Further discussion of applicability to scrutiny and narrowness is more appropriate for briefing with leave of Court). Additionally, the Court discusses several principles of *Younger* at issue here – particularly that the Plaintiffs have no forum making the abstention inapplicable, albeit in a

different posture. Nonetheless, like in the instant matter, prospective relief was sought in *Richwine* which makes *Younger* inapplicable.

*Upsolve* is persuasive authority from the Second Circuit entered last week regarding attorney discipline. It offers a fulsome review of the speech principles offered in *Richwine* (mentioned by footnote) in the attorney-disciplinary context. Again, the Court's ability to assess the scrutiny involved in an as applied challenge to state regulatory authority's restrictions of the First Amendment will be assisted by absorbing the principles in *Upsolve*.

Although both cases involve preliminary injunctions, the lesser requirements of the current disposition make the cases an important part of this Court's assessment. Transcript 5/28/2025 pg. 123.<sup>1</sup>

**WHEREFORE**, Plaintiffs respectfully pray as follows:

- a. The Court take notice of the two cases listed herein;
- b. In the alternative, request further briefing from the Parties; and
- c. For such other further relief as is deemed equitable and just.

Dated: September 15, 2025

Respectfully Submitted:

s/ Antonio Valiente  
Antonio Ernesto Valiente-Rivera  
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<sup>1</sup> "The preliminary injunction for those reasons is denied at this time. There is a pending motion to dismiss. Many of these same issues will be raised again in the briefing for the motion to dismiss, so I want to make it clear that I am persuadable and I do not mean in any way to forecast what the outcome of the motion to dismiss will be. I want to give Children of the Court and Judicocracy a full opportunity to brief and be heard on those particular issues on paper should they choose to be." Pg. 123 Lines 7-15.

**CERTIFICATE OF SERVICE**

I, Antonio Ernesto Valiente-Rivera, do hereby certify that I have caused the above to be filed in the Court's ECF system.

Stephen Splitt, Richard Gleason and Benjamin Boroughf  
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Defendants' Attorneys

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